



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**

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12/23/09 - mailed  
orig. received  
acknowledged 12/23/09  
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December 23, 2009

Ms. Susan K. Haberstroh  
Education Associate  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 13 DE Reg. 753 [DOE Proposed Education Records Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOEs) proposal to amend its education records regulation published as 13 DE Reg. 753 in the December 1, 2009 issue of the Register of Regulations. Council has the following observations.

First, §2.1.3 requires the Cumulative Record File to include records related to the identification, evaluation, placement, and provision of a FAPE to students identified under 14 DE Admin Code 925. It would be preferable to include a similar provision for students identified under Section 504 and provided with accommodation plans. Otherwise, a receiving school may have no idea of a student's prior identification and program accommodations.

Second, for students in out-of-state private placements pursuant to Title 14 Del.C. 3124, it is unclear whether the Cumulative Record File should be transferred to the new school or retained by the home school district. Section 3.2 suggests that the Cumulative Record File would be sent to the new school. However, Section 3.1 only contemplates requests for records from in-state receiving schools. The DOE may wish to consider whether this merits clarification.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,

A handwritten signature in cursive script, reading "Daniese McMullin-Powell". The signature is written in dark ink and includes a stylized circular flourish at the end.

Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery  
Dr. Teri Quinn Gray  
Ms. Martha Toomey  
Ms. Paula Fontello, Esq.  
Ms. Mary Cooke, Esq.  
Mr. John Hindman, Esq.  
Mr. Charlie Michels  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
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